

1. Guardian Living Services, Inc. is the Defendant in a civil cause filed on February 13, 2017, in the 189<sup>th</sup> Judicial District Court of the State of Texas, County of Harris, entitled “*Tiffery*

*Williams, individually and on behalf of similarly situated individuals, v. Guardian Living Services, Inc.* Cause No. 2017-10048.” The parties to the lawsuit are Tiffery Williams, Plaintiff, and Guardian Living Services, Inc., Defendant. Within her petition, Plaintiff raised a claim under Fair Labor Standards Act (“FLSA”), Quantum Meruit and Unjust Enrichment.

2. As required by 28 U.S.C. § 1446(a), Defendant Guardian Living Services, Inc. has attached a copy of the process received by Defendant, Guardian Living Services, Inc., Plaintiff’s Original Petition and Order Granting Plaintiff’s Motion For Alternative Service of Process which constitute all process, pleadings and orders served in the action, copies of which are appended hereto as Exhibits A and C respectively; and a list of all counsel and parties of record, including addresses, telephone numbers and parties represented, attached hereto as Exhibit D.

## **II.**

### **THE REMOVAL IS TIMELY**

3. The citation and petition were executed on the Defendant Guardian Living Services, Inc. on June 9, 2017, by alternate service on its registered agent for service of process, Christina Kizze, at 11970 Wilcrest Drive, Suite 102, Houston, Texas 77031. (see Exhibit A). This Notice of Removal is filed timely, pursuant to 28 U.S.C. § 1446(b), because it is filed within thirty days of June 9, 2017, the date on which Defendant was first served with a copy of the Petition. No previous notice of removal has been filed or made with this Court for the relief sought herein.

## **III.**

### **GROUND FOR REMOVAL**

4. The district courts of the United States have original jurisdiction over this action pursuant to 28 U.S.C. §1331 because the subject matter in controversy involves a federal question arising

under FLSA, a law of the United States. Consequently, this action is removable to this Court pursuant to 28 U.S.C. §1441(a).

#### **IV.**

#### **JURY DEMAND**

5. A jury demand was made in the state court action by Plaintiff. Defendant also demands a jury on all issues to be tried in this matter. Defendant has submitted the jury demand and herein submit the jury fee.

#### **V.**

#### **THE OTHER PREREQUISITES FOR REMOVAL HAVE BEEN SATISFIED**

6. Venue lies in the Southern District of Texas pursuant to 28 U.S.C. §§ 1441, 1446(a), and 124(b). This action was originally brought in the 189<sup>th</sup> Judicial District Court of the State of Texas, County of Harris. Therefore, this is the appropriate court for removal.

7. As required by 28 U.S.C. Section 1446(d), Defendant will provide notice of this removal to Plaintiff through her attorney of record.

8. As required by 28 U.S.C. Section 1446(d), a copy of this Notice will be filed with the 189<sup>th</sup> Judicial District Court of the State of Texas, County of Harris.

9. Defendant Guardian Living Services, Inc. attaches the following documents to this notice of removal:

- a. Exhibit A: Copy of the Process Received by Defendant
- b. Exhibit B: Plaintiff's Original Petition
- c. Exhibit C: Order Granting Plaintiff's Motion For Alternative Service of Process
- d. Exhibit D: List of All Counsel and Parties of Record

10. If Plaintiff seeks remand of this case to state court, Defendant respectfully requests that the Court provide an opportunity for further briefing and argument before issuing a remand order. If the Court decides to issue a remand order, Defendant respectfully requests that the Court retain jurisdiction and certify any remand order for interlocutory review. 28 U.S.C. § 1292(b).

WHEREFORE, Guardian Living Services, Inc., Defendant in this action, respectfully requests that this action be removed from the 189<sup>th</sup> Judicial District Court of the State of Texas, County of Harris to the United States District Court for the Southern District of Texas and that all future proceedings in this matter take place in the United States District Court for the Southern District of Texas.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of June, 2017, a true and correct copy of the foregoing *Notice of Removal* was filed electronically and was served per the Texas Rules of Civil Procedure through the electronic filing system of the State of Texas on the following:

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Terrence B. Robinson